(1) Supreme Court, U.S.
FILED

951963 JUN 4 1996

No. A-692 OFFICE OF THE CLERK

In The

Supreme court of the United States
October Term, 1995

◆

FRED RUCKER,

Petitioner

v

CITICORP SAVINGS OF ILLINOIS,

Respondent.

◆

On Petition for a Writ of Certiorari
To The Illinois Court of Appeal for the First District

◆

PETITION FOR A WRIT OF CERTIORARI

◆

Fred Rucker
P.O. Box 806024
Chicago, IL 60680
(312) 793-7959
Pro Se

32 pp

QUESTIONS PRESENTED

Whether the State court committed procedural errors serious enough to prevent a fair hearing and in so doing, deny petitioner his due process rights, under the Fourteenth Amendment.

Whether Article III courts may decide questions of "mootness" when live controversy continues to exist. Powell v. McCormack, 395 U.S. 486 (1969). Southern Pacific Terminal Co. v. ICC, 219 U.S. 498 (1911). Super Tire Engineering Co. v. McCorkle, 416 U.S. 115 94 S. CT 1694. Textile Workers Union v. Lincoln Mills, 353 U.S. 448, 459 (1957)

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ABLE COPY

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IN THE

Supreme court of the United States
October Term, 1995

FRED RUCKER,

Petitioner

v

CITICORP SAVINGS OF ILLINOIS,

Respondent.

On Petition for a Writ of Certiorari
To The Illinois Court of Appeal for the First District

Fred Rucker respectfully petitions for a writ of certiorari to review the judgement of the State Court of Appeals in this case.

DECISION BELOW

The decision of the state appeals court may be found in Appendix A.

JURISDICTION

The jurisdiction of the Court is invoked under 28 U.S.C. §1257 as revised in The Act of June 27, 1988, 102 Stat. 662

STATUTORY PROVISIONS INVOLVED

705 ILCS 25/8.2

Appeals from Appellate Court shall lie to the Supreme Court as a matter of right only (a) in cases in which . questions under the Constitution of the United States or of this state arises for the first time

in and as a result of the action of the appellate court and (b) upon the certification by a division of the appellate court that a case decided by it involves a question of such importance that it should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the appellate court in other cases.

STATEMENT

This case involves violations of Petitioner's Fourteenth Amendment rights in its purest interpretation.

The errors committed at the trial and Appellate court level were so critical as to deprive this petitioner of his home and several hundred thousand dollars in income property.

The issues brought before the state court were clear and unambiguous. So clear were the issues that the presiding Justice ordered the case be considered [without] oral argument. (See Appendix 'A' for Judges notice)

An error took place (in Appellate process) when the Clerk inadvertently sent notice that oral argument had been scheduled, despite the Judges written decision that oral argument was [not necessary]. The Clerk's notice, coming after the Judge's decisions, had the effect of usurping the Judges authority. (Woodward and Armstrong, The Brethrens).

In any appeal, civil or criminal, the Appellant should be entitled to as a matter of right to present oral argument unless;

a) The appeal is frivolous

b) The facts are simple and no useful purpose could be served by oral argument.[1]

These standards are now embodied in Rule 34(2) of the Federal Rule of Appellate Procedure and are followed by the courts of appeal.

When the appeals Judge decided to consider the case, it was quite clear (in his statement) that his intentions were not to dismiss the case. Nevertheless, after months of delay and without the benefit of oral argument, the court dismisses the case for "mootness".

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[1] Commission on Revision of Federal Court Appellate System. Structure and Internal Procedures: Recommendations for Change 48 (Washington, DC June 1976)

REASONS FOR GRANTING CERTIORARI

The due process clauses have a procedural aspect in that they guarantee that each person shall be accorded a certain "process" if they are deprived of life, liberty, or property. If life, liberty, or property is at stake, the individual has a right to a fair hearing. In all instances, the state must adhere to previously declared rules for adjudicating the claim or at least not deviate from them in a manner which is unfair to the individual against whom the action is taken.

During the Appellate process, it is important that the decision conference be held as soon as possible after review of the case. The reason is evident; judicial reactions are more complete and facts and argument are clearer in the minds of all the members of the panel. As time passes, cases and analyses become blurred and confused: They must be re-reviewed before intelligent decisions can be made.

During the six month delay in this case, the courts attention was diverted from the issues and centered on an event (Transfer of Title) subsequent to the acceptance of the final brief. This event prompted an adverse decision. Palko v. Connecticut, 320 US. 319 (1937)

Transferring Title to property while the ownership of the property is under review by the court is a contemptuous act and should have been recognized as a violation of state law 735 ILCS 5/15 - 1509. Sometimes the controlling precedent is so clearly relevant (even if not dispositive) that it is difficult to understand how the lower court could have failed to acknowledge its significance. Arthur v. People 380 U.S. 250 (1964) United States v. Haley 358 U.S. 644 (1958)

A ruling by the state court based on such a manipulative act is abusive and in error; it allows the serious issues of consumer fraud and misrepresentation to escape review.

The decision made by the state court of appeals, and sanctioned by the state court of last resort, has so far departed from the accepted and usual course of judicial proceedings, the exercise of this Courts power and supervision must be invoked.

A. Dismissal for Mootness is Erroneous

The Appellate court errored in dismissing the case based on "mootness" because (1) during the pendency of an appeal, property may not be properly conveyed to a third party unless the appeal is either denied or withdrawn. ILCS 735 5/15-1509 (2) the courts decision to dismiss was defective because it relied on information that should not have been considered. The affidavit submitted by Respondents asserting that the Title to the property in question had been conveyed to a third party was completely lacking in substance to support that claim. See Staren & Co. v. Shapiro 32 Ill. App. 3d 396,400.

The appeals court should have used caution in accepting as fact an action bearing so significantly on the case. In Subron v. New York, 392 U.S. 40,57 (1968) it was held, "reasonable caution include we think, not accepting as conclusive the exparte affidavit of the party seeking fees without providing the other party the opportunity to adduce controverting facts that show the alleged dispute to be abstract, feigned, or hypothetical."

A case can not be "mooted" when the act allegedly causing the "mootness" is illegal. Consider Church of Scientology v. United States. U.S. 113 S. CT 447,121 l. Ed. 2d 313 (1992)

In the past, the Court has held that Article III courts may not decide questions of mootness. In Love v. Griffith, 266 U.S. 32, Justice Brennan stated: "We think, however, that in this case the question of "mootness" is itself a question of Federal law upon which we must pronounce final judgement."

B. Misjoinder of Causes Renders Decision Defective

In a civil case initiated several years ago against Respondent for the federal offense of "Redlining", excessive insurance premiums were sought as damages in a counterclaim. In this case, which addresses a different issue, the appeal was based on Respondents actions in establishing the "sale price" of a property by adding several thousand dollars in insurance premiums. When the decision in this case was written, the basis for the dismissal relied on the earlier [unrelated] case with separate issues. (Evidence of the separate cases may be found in Appendix "B")

The assumption that an appeal to a mulijudge court is a protection against error, prejudice, and human failings is not evident in this courts decision. Eliminating oral argument also eliminated proof that the full tribunal was aware of the Trial Court's error. The court had a duty to address the errors.

C. Oral Argument Waived, Granted, Denied

While the presiding Justice determined that oral argument was [not necessary] presumably because "the facts and issues were simple"[2], the state Clerk proceeded to schedule the case for argument. After granting several extensions (which amounted to several months and a delayed decision), Appellant was denied oral argument.

The U.S. Court of Appeals for the Third Circuit, which was studied the problem of eliminating oral argument and has listed in its published criteria, Internal Operating Procedures the following:

> Experience discloses that judges usually vote for oral argument: (1) Where the appeal presents a substantial and novel legal issue. (2) Where a decision, legislation, or event, subsequent to the filing of the last brief, may significantly bear on the case.

The criteria developed by experience in the U.S. Court of Appeals, Third Circuit, appear to be sound whether for federal or state appellate court.

In this case, the property in question was allegedly sold and Title conveyed to a third party [after] the last brief was accepted for review. The state court was clearly abusive when it deviated from established criteria and rendered its decision based on such an event.

Oral argument was requested in this case not only to emphasize the significant errors, but also because as Justice Brennan said, "Oral argument is the absolutely indispensable ingredient of appellate advocacy. I have had too many occasions when my judgement of a decision has turned on what happened in oral argument, not to be terribly concerned for myself were I to be denied oral argument." Similarly, Justice Powell has said, "the fact is, as every judge knows, that the

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[2] Internal Operating Procedures of Appellate Courts 33.

quality of advocacy - the research, briefing and oral argument of the close and difficult cases contribute significantly to the development of precedents." In the words of Chief Justice Rehnquist, "It does make a difference: I think that in a significant minority of cases in which I have heard oral argument, I have left the bench feeling different about the case then I did when I came on the bench." Supreme Court Practice, Seventh Edition.

The value of oral argument cannot be diminished. Without oral argument there is no evidence that the Tribunal was apprised of the case.

It should be noted that the brief was prepared and submitted pro se and counsel was retained specifically to present oral argument. Schlanger v. Seamans, 401 U.S. 487 (1971) The serious errors on this matter, committed by the appeals court, requires the supervision of this court to set aside such a decision because the "decisional process" was flawed.

IMPORTANCE OF THE QUESTIONS

The importance of the Question lies in how the decision was reached rather than why it was reached. The Appellate process should insure a measure of public confidence in the judicial system, and oral argument assures a measure of visibility in the appellate functioning.

Litigants who have been wronged must seek relief through the judicial system. However, if the [court system] is one that abuses its authority, ignores pertinent issues and generally allows the judicial process to be manipulated, the public's interest is not being served.

Too often, a "good lawyer", is considered to be one who can manipulate the judicial system, e.g. through motions, appeals, extensions, etc; to win an argument. The Character of a judicial system is determined by its ability to seek fairness and the truth.

A system that allows legal maneuvering without redress, leaves litigants vulnerable to "rights" violations. It is insulting to the judicial system and confusing to all who must conform their conduct to the dictates of national law.

A decision like this cannot be allowed to stand if justice and the appearance of justice are to be satisfied.

to correct, it is assumed they will not invariably stand by and do nothing simply because the case has no importance to anyone besides the parties involved.

CONCLUSION

In Rader v Bussey, the court held that the elements of fraud in the "sale price" would be cause to set aside that sheriff' sale. The abundance of evidence (in the record) showing fraud and misrepresentation directed the sale should have been set aside.

The State court, in dismissing this case as "moot" abused its authority, deviated exceedingly from established appellate policy and practice, relied on inadmissible evidence, misjoined cases, ignored negligent behavior in the market place and disregarded the "doctrine of clean hands" in equity court.

This ruling by the appeals court should not be allowed to stand if justice or the appearance of justice is to be upheld.

This decision by the lower court mocks the Constitution and if allowed to stand sets a precedent for countless individuals property rights to be trampled.

Certiorari should be granted or as an alternative the case should be sent back to the lower court for reconsideration.

Respectfully submitted,

Fred Rucker, pro se

Fred Rucker
P.O. Box 806024
Chicago, Illinois 60680
(312) 793-7959

APPENDIX A

Seal of the State of Illinois August 26th 1818

Appellate Court of Illinois
Chambers of Justice Anthony Scariano
160 North LaSalle Street
Chicago, Illinois 60601
(312) 798-5450

January 24, 1995

Fred Rucker
Pro se
P.O. Box 806024
Chicago, IL 60680

Holleb & Coff
55 E. Monroe Street
Suite 4100
Chicago, IL 60603

ATTN: David I. Herbst
Ronald A.

Damashek

Scott H. Kenig

Re: 94-0636

Citicorp Savings of Illinois v. Fred Rucker, et al.

Dear Counsel:

After an examination of the record and a review of the briefs herein, we are of the opinion that an oral argument is not necessary. We are, therefore, taking this case for consideration without oral argument, pursuant to Supreme Court Rule 352 (a) as amended.

Very truly yours,

"s/Anthony Scariano"
Presiding Justice
Second Division

03/22/95

APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

In re: CitiCorp, Inc. v. Rucker, Fred

Appellate No: 1-94-0636

The case in the above entitled cause is set for oral argument at 9:30 A.M. on 04/25/95 in the Appellate Courtroom, First District.

/s/ Gilbert S. Marchman,

Clerk

Fred Rucker
Pro se
P.O. Box 806024
Chicago, IL 60680

05/03/95

APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

In re: CitiCorp, Inc. v. Rucker, Fred

Appellate No: 1-94-0635

The case in the above entitled cause is set for oral argument at 9:30 A.M. on 06/20/95 in the Appellate Courtroom, First District.

/s/ Gilbert S. Marchman, Clerk

Fred Rucker
Pro se
P.O. Box 806024
Chicago, IL 60680

06/14/95

APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

In re: CitiCorp, Inc. v. Rucker, Fred

Appellate No: 1-94-0635

The case in the above entitled cause, set for oral argument at 9:30 A.M. on 06/20/95 in the Appellate Courtroom, First District, has been canceled until further notice.

/s/ Gilbert S. Marchman, Clerk

Fred Rucker
Pro se
P.O. Box 806024
Chicago, IL 60680

*** CANCELLATION NOTICE ***

APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

CITICORP SAVING OF ILLINOIS	)	
	)	
Plaintiff-Appellee,	)	
	)	No. 94-0636
v.	)	
	)	
FRED RUCKER, et al.,	)	
	)	
Defendant-Appellant.	)	

ORDER

This matter having come before the court on plaintiff's motion to dismiss this cause on grounds of mootness and on defendant's response thereto.

and it appearing to the court that the property forming the subject matter of this foreclosure suit has been conveyed to third parties who are not parties to the litigation or acting as nominees for parties to the litigation; further that no stay has been granted herein, and that consequently, it would be impossible for its court to grant effective relief to either party,

and it further appearing to the court that there is a counterclaim pending in the Circuit Court seeking monetary relief based on allegations of the defendant that he was overcharged for insurance on the foreclosed property,

and it further appearing that said counterclaim remains unresolved, the only effectual relief, if any, that can be granted in this cause would necessarily be that which might be able to be rendered by the Circuit Court,

IT IS HEREBY ORDERED that this cause be and the same is hereby dismissed for mootness.

ORDER ENTERED

s/"Anthony Scariano"
PRESIDING JUSTICE ANTHONY SCARIANO

JUN 15 1995

s/"Allen Hartman"
JUSTICE ALLEN HARTMAN

JUNE 15 1995

s/"Gino L. DiVito"
JUSTICE GINO L. DIVITO

Dated: JUN 15 1995

ILLINOIS SUPREME COURT
-- FACT SHEET --

79642 DOCKET: Closed
Citicorp Savings of Illinois, respondent, v. Fred Rucker et al., petitioners. Leave to appeal, Appellate Court, First District.
DISTRICT: 1 CIRCUIT: COUNTY: Cook
RULE: 315

REFERENCE INFORMATION:
TRIAL JUDGE: Ericsson, Robert D.
CASE NUMBERS: AC1-94-0636 TR88CH10806
M-061595

PETIT/APLT ATTORNEY: Mr. Clarke P. Devereux
Attorney at Law
847 Franklin
River Forest, IL 60305
FEE: $25.00
PARTY: Rucker, Fred
RESPN/APLE ATTORNEY: Holleb & Coff
Attorneys at Law
55 E. Monroe, S#4100
Chicago, IL 60603
ATTORNEY: Mr. Ronald A. Damashek
Holleb & Coff
55 E. Monroe, S#4100
Chicago, IL 60603
FEE: $15.00
PARTY: Citicorp Savings of Illinois

--- --Due-- -FILED--

INITIATION DATE: 08/24/95
PETITION FOR LEAVE TO APPEAL..... 08/24/95
ANSWER TO PLA..... 09/07/95
09/07/95

PLA due 082495.....

12/29/95 - MOVANT - PETIT/APLT

Motion for Stay of Mandate
pending the filing and dispo of pet for
writ of cert in the USSC. kf
OBJECTION DUE: 01/02/95
01/03/96 - MAM
Denied
mk

DISPOSITION: 12/06/95 - ORDER
PETITION FOR LEAVE TO APPEAL DENIED
MANDATE TO ISSUE: 01/08/96
MANDATE ISSUED: 01/08/96 TO: AC
VAULT NUMBER: 0

********** END OF FACT SHEET **********

APPENDIX B

Case I

CITIBANK

April 30, 1992

Mr. Fred Rucker
1458 East 71st Place
Chicago, Illinois 60619

Re: Your Account No. 06473059

Dear Mr. Rucker:

Confirming our telephone conversation, we have now completed our investigation of the allegations contained in your recent letter to John Reed and have reviewed the additional documentation you transmitted to me on April 28, 1992. our review has determined that you received inconsistent information from us and our affiliate servicer regarding the amount of forced placed insurance premiums that would be charged to your mortgage loan account and the coverage provided thereby.

As a result of this poor Customer Service on our behalf, we will agree to reduce the amount of our claim in your Chapter 13 Bankruptcy by $10,000. This amount represents the approximate difference between your $2,400 insurance premium prior to forced placement and the $422 disputed forced placed insurance premium, multiplied by the five years this matter has been pending.

I have instructed our outside counsel to immediately contact the Bankruptcy Trustee and take the appropriate steps to reduce our claim. Our attorney or the Bankruptcy Trustee will inform you of the results thereof and any effects on your payments. Any attorneys' fees or costs associated with the reduction of our claim will also be paid by us.

As a condition precedent to this reduction in our claim, you agree to keep this matter confidential and to refrain from any further communication with us concerning your allegations regarding insurance premiums, insurance coverage and attorneys' fees.

Please also be informed that our actions should not be construed in any way as an admission of liability by Citibank, F.S.B. or any employee or affiliate thereof.

Thank you for your patience while we completed our investigation of this matter. Pleas contact me at (312) 977-5518 with any further questions.

Very truly yours,

s/"Bruce S. Marshak
Associate General Counsel

cc:
William Atwell
Joseph Griese
Anthony Manisco
Steve Rappin, Esq.
Dennis Vena, Esq.

CERTIFICATE OF INSURANCE

MASTER POLICY NUMBER Am B1810350

12:01 A.M. STANDARD TIME

COVERAGE IS PROVIDED IN THE INSURANCE COMPANY OF ILLINOIS AGENCY - 8520

CERTIFICATE - RIM 50 POLICY EFFECTIVE 11-01-88 EXPIRATION 11-01-99

NAMED INSURED OR MORTGAGOR & ADDRESS

Fred RUCKER
American National Bank
1456-58 E. 71st Place, Chicago, IL 60619

AGENT

W.W. VINCENT & COMPANY
175 W. JACKSON BLVD., SUITE A-142
CHICAGO, IL 60605

INSURANCE IS PROVIDED AS PER FORMS ATTACHED TO MASTER POLICY NUMBER LISTED ABOVE.
DESCRIPTION AND LOCATION OF PROPERTY COVERED

SHOW ADDRESS (NO., STREET, CITY, COUNTY, STATE, ZIP CODE).
IDENTIFY WHETHER RESIDENTIAL OR COMMERCIAL; OCCUPIED OR UNOCCUPIED.

LOCATION ADDRESS SAME

OCCUPANCY

RESIDENTIAL	_____
COMMERCIAL	__x__
OCCUPIED	_____
UNOCCUPIED	_____

Contingent Mortgagor's Coverage _____ Yes _____ No (Residential Mortgagor Occupied Property only)

Coverage A. Mortgagor's Personal Property _____ (10% of Building Amount)
B. Additional Living Expense _____ (10% of Building Amount)
C. Mortgagor's Premises Liability _____ Limit $25,000 each occurrence

AMOUNT OF INSURANCE $338,000.00
ANNUAL PREMIUM $372.00

MORTGAGE CLAUSE: SUBJECT TO THE PROVISIONS OF THE MORTGAGE CLAUSE, LOSS, IF ANY ON BUILDING ITEMS, SHALL BE PAYABLE TO:

00-0108027 (Loan Number)

COUNTERSIGNATURE DATE

COUNTERSIGNED BY

S/ "Ronald Kalish"
W.W. VINCENT & COMPANY
AUTHORIZED REPRESENTATIVE

Case II

Law Offices
HAUSELMAN & RAPPIN, LTD.
30 South LaSalle Street
Chicago, Illinois 60603

(312) 372-2020
Fax No. (312) 372-0404

May 21, 1993

Ralph W. Miller, Jr.
2021 Midwest Road
Suite 300
Oakbrook, Illinois 60521-1359

Re: Citibank, F.S.B. v. Fred Rucker, et al.
1456-58 East 71st Place
Chicago, Illinois
Case No. 91 B 2046
Loan No. 6473059
Our File No. 88-2000-2008

Dear Mr. Miller:

In response to your letter directed to Rhoda Markovitz, the following contains an itemization of the escrow balance regarding the above-referenced loan:

02/07/88	Insurance ($352.00)	$294.70 (shortage)
02/09/88	Cook County Collector 1st Installment 1987	807.67
03/06/88	Insurance	352.00
04/05/88	Insurance	352.00
05/08/88	Insurance	352.00
05/17/88	Property Inspection	14.00
06/05/88	Insurance	352.00
06/23/88	Property Inspection	14.00

07/03/88	Insurance	352.00
08/07/88	Insurance	352.00
08/18/88	Cook County Collector 2nd Installment 1987	1,595.26
09/04/88	Insurance	352.00
10/02/88	Insurance	352.00
10/03/88	Property Inspection	15.00
11/06/88	Insurance	352.00
12/20/88	Attorney's fees and costs	416.34
01/23/89	Attorney's fees and costs	25.00
02/21/89	Attorney's fees and costs	135.00
02/23/89	Cook County Collector 1st Installment 1988	1,201.47
03/31/89	Insurance	20.00
03/31/89	Insurance	**1,156.00**
07/09/89	Insurance	**372.00**
07/26/89	Cook County Collector 2nd Installment 1988	1,313.54
08/06/89	Insurance	**372.00**
08/21/89	Attorney's fees and costs	1,829.40
09/03/89	Insurance	**372.00**
09/27/89	Attorney's fees and costs	687.50
10/08/89	Insurance	**372.00**
11/12/89	Insurance	**372.00**
11/20/89	Attorney's fees and costs	753.50
12/03/89	Insurance	**372.00**
01/03/90	Attorney's fees and costs	674.20
01/01/90	Insurance	**372.00**
02/04/90	Insurance	**372.00**
02/08/90	Attorney's fees and costs	437.50
02/26/90	Cook County 1st Installment 1989	1,257.51
03/04/90	Insurance	**372.00**
04/08/90	Insurance	**372.00**
05/13/90	Insurance	**372.00**
06/10/90	Insurance	**372.00**
07/15/90	Insurance	**372.00**
07/30/90	Insurance	**1,096.00**
08/17/90	Cook County 2nd Installment	1,308.06

08/19/90	Insurance	372.00
09/16/90	Insurance	372.00
	TOTAL DISBURSEMENTS	$-23,799.65
	MINUS ESCROW CREDITS	+1,380.89
		$-22,418.76 (neg. escrow bal.)
	Beginning negative escrow balance 9/90	$22,418.76
10/15/90	Attorney's fees and costs	2,406.10
10/15/90	Insurance	372.00
12/09/90	Insurance	422.00
12/27/90	Attorney's fees and costs	2,630.50
01/06/91	Insurance	422.00
01/29/91	Real Property Appraisal	500.00
02/14/91	Insurance	422.00
02/15/91	Cook County Collector (1st 1990)	1,282.79
03/07/91	Attorney's fees and costs	299.45
	Insurance	422.00
	Insurance	422.00
05/23/91	Attorney's fees and costs	1,204.00
06/18/91	Attorney's fees and costs	616.25
06/18/91	Attorney's fees and costs	478.50
08/21/91	Attorney's fees and costs	523.75
03/17/92	Attorney's fees and costs	910.25
06/29/92	Attorney's fees and costs	272.00
10/27/92	Attorney's fees and costs	2,770.25
01/15/93	Attorney's fees and costs	929.50
02/23/93	Attorney's fees and costs	442.00
	TOTAL NEGATIVE ESCROW:	$40,166.10
	ESCROW CREDITS	10,963.78
	TOTAL NEGATIVE ESCROW DUE:	$29,202.32

Yours truly,
s/"Steven R. Rappin"
SRR: cs
cc: Ms. Victoria Prochaska

WESTERN UNION FSI
RENO, NEVADA 89502-2375

WESTERN
UNION MAILGRAM

017840000722 11/01/93 CAGB

FRED RUCKER
1458 E 71ST PL
CHICAGO IL 60619-1570

THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

3127526123 TDBN CHICAGO IL 57 11-01 0147P EST
9330509992302585-1

BILL ATWELL, DLR ASAP
PRESIDENT, CITIBANK
1 SOUTH DEARBORN
CHICAGO IL 60680

RE: CASE #88CH10806

MY PROPERTY IS SCHEDULED TO BE SOLD NOVEMBER 2, 1993, AT SHERIFF'S SALE. THERE IS A $30, 000 DISCREPANCY IN THE AMOUNT OWED CITIBANK. THE VP MICHAEL GREY, AKNOWLEDGES THE EXCESSIVE AMOUNT BUT WILL DO NOTHING. ITS'S URGENT THAT SOMEONE INTERVENE TO STOP THE SALE UNTIL THE CORRECT AMOUNT OWED CAN BE DETERMINED.

FRED RUCKER

14959
17 : 07 EST
MGMCOMP

APPENDIX C

28 U.S.C. 1257

(a) Final judgments or decrees rendered by the highest court of a state in which a decision could be had may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statue of the United States is drawn in question of its being repugnant to the Constitution treaties, or laws of the United States, or where any title right, privilege, or immunity is especially set up or claimed under the Constitution or the treaties or statutes of or any commission held or authority exercised under the United States.

(b) For purposes of this section, the term highest court of a state includes the District of Columbia Court of Appeals."

815 ILCS 505/2

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or omission of such material fact, with intent that others rely upon the concealment, suppression, or omission of such material fact, or the use or employment of any practice described in Section 2 of the "Uniform deceptive Trade Practices Act", approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived, or damaged thereby. In construing this section consideration shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to Section 5(a) of the Federal Trade Commission Act.

Citations and Other Notes

"Cases in Equity That Become Moot on Appeal" 34 Harv. L. Rev. 416 417 1921 Also Works, Judicial Reform 86, 33 Harv. L. Rev. 326:

"Mootness on Appeal In the Supreme Court" 83 Harv. L. Rev. 1672 (1970)

"The Mootness Doctrine in The Supreme Court" 88 Harv. L. Rev. 373, 378 (1974)

"What Constitutes a Case or Controversy Within The Meaning of Article III of the Constitution" 41 Harv. L. Rev. 232, 239 (1927)

Internal Operating Procedures of Appellate Courts - American Bar Foundation - Robert A. Lefler

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